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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,070	10/15/1999	RYUICHI SHIOHARA	Q56248	9664

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/419,070

Applicant(s)

SHIOHARA, RYUICHI

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005 and 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/05 has been entered.

Response to Arguments

2. Applicant's arguments filed on 9/17/2004 have been fully considered but they are not persuasive.

In re pages 7-8, Applicant argues that Kuba fails to teach or suggest "wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another record image data."

In response, regarding claim 1, the Applicant amended claim 1 with the limitation "wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another record image data." The Examiner considers that claim 1 as amended still does not distinguish from Kuba et al. patent. Kuba et al. discloses the playback sequence (processing sequence of the

Art Unit: 2612

recorded image data) is updated by changing the record location information of the record image data to record location information of another record image data (the playback sequence in order 1-8 is updated by changing the record location 4 of image picked-up 90.10.6 to record location 1, changing the record location 6 of image picked-up 90.12.10 to record location 2, changing the record location 1 of image picked-up 91.1.2 to record location 3, and so on as shown in figures 27(A) and 27(B)).

In re pages 9-10, Applicant argues that claim 9 recites two types of image data. The image data stored in the memory of the digital camera could be of a “jpeg” image type or a thumbnail image type. Kuba teaches the day and time of production of the file but these data are not similar to data type.

In response, it should be noted that the feature “type of image data could be of a “jpeg” image type or a thumbnail image type,” is not recited in claim 9. Instead, regarding claim 9, the Applicant recited the limitation “wherein said image data comprises at least two data type.” The Examiner considers that Kuba et al. does disclose this feature. Kuba et al. discloses there are different kinds of image data, and it is often desired that the image data of each kind be managed collectively. For example, it is desired to process the picked-up image data by classifying them for individual dates, events (column 5, line 65 – column 6, line 6). Therefore time of production and date of production could be read as “type”.

Claim Objections

3. Claims 1-4, 9 are objected to because of the following informalities:

Art Unit: 2612

Claim 1 (line 12), claim 4 (line 13), "the record image data" should be changed to --the recorded image data--.

Claim 1 (line 13), "record image data" should be changed to --recorded image data--.

Claim 4 (line 12), "changing record location" should be changed to --changing the recording location--.

Claims 2-3 are objected as being dependent on claim 1.

Claim 9 is objected as being dependent on claim 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).

Regarding claim 1, Kuba et al. disclose a digital camera for recording image data onto a recording medium by converting an image pickup light photoelectrically, comprising an image data management file for storing a plurality of recording information having a processing sequence, an image type and a recording location of the recorded image data (Kuba et al.

Art Unit: 2612

discloses a hierarchical directory (figures 5 and 6) as an image data management file. The hierarchical directory is used for managing data files (column 1, lines 44-52). The hierarchical directory includes a processing sequence and a recording location as shown in figure 27(A), 27(B), column 23, lines 15-23. And Kuba et al. discloses a management of data files having an image type (time or date) as shown in figure 7, column 15, lines 35-50), the image data management file being stored in the recording medium separately from the image data (date data is stored I section #21, image data is stored in section #22, figures 23(A), 23(B)); and means for updating the image data management file (controller 19 rearranges the sequence of reproduction of data, figures 27(A), 27(B), column 23, lines 25-45), wherein the processing sequence of the recorded image data (playback sequence, figure 27(B)) is updated by changing record location information of the record image data to record location information of another record image data (the playback sequence in order 1-8 is updated by changing the record location 4 of image picked-up 90.10.6 to record location 1, changing the record location 6 of image picked-up 90.12.10 to record location 2, changing the record location 1 of image picked-up 91.1.2 to record location 3, and so on as shown in figures 27(A) and 27(B)).

Regarding claims 2, 6, Kuba et al. disclose display means for displaying the recorded image data (viewfinder 34, figures 21(A), 21(B), 22, 25(A), 25(B), column 21, lines 23-26), wherein an order of which the image data are displayed on the display means is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15).

Art Unit: 2612

Regarding claims 3, 7, Kuba et al. disclose output means for outputting the recorded image data to an external device (external output terminal 35, figure 22, column 21, lines 20-30), wherein an order of which the image data are outputted to the external device is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15, column 21, lines 20-30).

Regarding claim 4, all the limitation are contained in claim 1, therefore see Examiner's comments regarding claim 1, except for the feature "deciding processing sequence of predetermined image data" is disclosed as the recording and play of the image files are managed by utilizing the hierarchical directory file system (Kuba et al., column 14, lines 55-65).

Regarding claim 5, all the limitations are contained in claim 1, therefore see Examiner's comments regarding claim 1.

Regarding claim 8, Kuba et al. discloses said management file is updated by changing at least one said record location for at least one said image number of said management records, thereby changing said processing sequence (figure 27(A), 27(B)).

Regarding claim 9, Kuba et al. discloses wherein said image data comprises at least two data type (different kinds of image data, column 5, line 65 – column 6, line 6, such as time of production and date of production, figure 7, column 15, lines 35-50).

Art Unit: 2612


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297 or (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929 or (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
2/04/2005


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